

### **REMARKS**

The Office Action of June 28, 2006, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 9, 16, 21, 28 and 29 have been amended, new claims 30-33 have been added, and no claims have been canceled. Claims 1, 3-9, 11-21, 23-26, and 28-33 thus remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under 35 U.S.C. § 102***

Claims 1, 3-9, 11-21, 23-26, 28, and 29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,408,128 (Abecassis). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1, as amended, recites “a data storage medium and a data processor operable to record the primary program data and the associated secondary program data on the data storage medium as separate files.” The Office Action alleges that a storage medium and processor operable to record the primary and secondary program data is disclosed by Abecassis at FIG. 12, col. 6 lines 31-46, and col. 50, lines 1-63. However, neither the cited portions of Abecassis nor any other portion that the Applicants have identified, discloses storing the primary program data and the secondary program data “in separate files,” as recited in claim 1. In fact, the description on col. 50, lines 1-63, makes clear that all of Abecassis’ broadcast programming data is stored in one running file, and the “supplementary information” is stored and earmarked within the same file. Therefore, Applicants submit that amended claim 1 is not anticipated by Abecassis.

Not only does Abecassis not imply or suggest storing the primary program data and secondary program data “in separate files,” it also appears to be incapable of a combination or modification that would support this feature. According to the Office Action’s characterization of Abecassis, the “secondary programming data” is only secondary because it has not been included in the video sequence to be played, and the determination whether or not to include a video segment in the sequence to be played is dependent on settings and made at the time the sequence is played. In other words, while downloading the data and storing it in the running file, Abecassis has no way of knowing which data will be the secondary data and which data will be

the primary programming data. Thus, because no apparent combination or modification involving Abecassis is capable of recording “the primary program data and the associated secondary program data on the data storage medium as separate files,” claim 1 is allowable over Abecassis for this additional reason.

Additionally, Applicants note that the “user interface” of claim 1 provides very different functionality from any user interface disclosed in Abecassis. Specifically, Abecassis describes functionality for selecting and retrieving supplementary program data based on system settings. Applicants submit that one skilled in the art would not consider Abecassis’ automatic retrieval of supplementary information, such as subtitles and other complementary information, based on system settings to disclose “provid[ing] a user interface for selection of the program data files and retriev[ing] a secondary program data file selected by a viewer for display,” as recited in claim 1.

For at least these reasons, Applicants submit that amended claim 1 is allowable over Abecassis. Claims 3-8 and 30-31 depend from claim 1, and are thus allowable for at least the same reasons. Independent claims 9, 16, 21, 28, 29 have each been amended to recite at least one similar limitation as referred to above with respect to claim 1, and are thus allowable for at least similar reasons as claim 1. Dependent claims 11-15, 17-20, and 23-26, are allowable for at least the same reasons as their respective base claims, and further based on the additional features recited therein.

For example, claims 5, 13, 20, and 26 each recite wherein “the secondary program data is of a lower resolution than that of the primary program data.” The Office Action at page 3 states that this feature is disclosed in Abecassis by FIGS. 17F and 17G, and at col. 62, lines 3-17. However, the cited portion of Abecassis only discloses selecting a target for magnification within an image and using zooming capabilities enhanced by video compression technologies, thereby increasing resolution independence and enabling higher resolution for high quality zooms. In other words, Abecassis simply describes a technique of zooming for video content windows to change the resolution on the screen. Neither the cited portion of Abecassis, nor any other portion that Applicants have identified, discloses or suggests that the primary and the secondary programs received and recorded are of different resolutions. Therefore, claims 5, 13, 20, and 26 are allowable over Abecassis for this additional reason.

### ***New Claims***

Applicants have added new claims 30-33 to more fully claim their invention. Independent claims 32 and 33 recite client multimedia apparatus reciting, “wherein the secondary programming data provides a trailer for the primary programming data.” Abecassis does not provide an example that teaches or suggests that supplementary information might take the form of a trailer for the primary program data. See col. 50, lines 37-63. Applicants thus submit that independent claims 32 and 33 are allowable over Abecassis for at least this reason.

Applicants further note that although FIG. 7G of Abecassis and the accompanying description discloses a “promotional clip or summary,” these promotional clips are not disclosed as supplementary information. Further, Abecassis does not disclose that these promotional clips are downloaded at the same time as the primary programming data (claim 32), or that they are generated from the earmarked portions of the primary programming data (claim 33). Applicants submit that a skilled person in the art would understand FIG. 7G to simply disclose a normal selection screen for a video-on-demand service, that is, a service in which neither the promotional material nor the films have been previously downloaded and stored on the viewer’s device, as required by claims 32 and 33.

Moreover, there is no motivation to combine or modify Abecassis with a feature “wherein the secondary programming data provides a trailer for the primary programming data,” as recited in claims 32 and 33. In Abecassis, the primary and supplemental data are downloaded onto a DVD, which is known to have a quite limited storage capacity (e.g., compared to a hard disk). Accordingly, the user in Abecassis would not likely record programming data indiscriminately, but would only record programs of interest. Thus, since the user is already familiar with the primary program data stored on the DVD, he would have no need to download a trailer as secondary programming. A skilled person in the art would not want to increase the amount of data to be downloaded, since Abecassis uses a medium of limited storage capacity. Therefore, for at least these reasons, Applicants submit that new independent claims 32 and 33 are allowable over Abecassis and the prior art of record.

New claims 30 and 31 depend from independent claim 1 and are allowable over Abecassis for the same reasons stated above in regard to claim 1, as well as based on additional features recited therein.

For example, claim 30 recites, "a display to show a list of the recorded secondary programming data," support for which can be found in FIG. 7 and paragraph 32 of the specification as originally filed. Since Abecassis does not disclose a display including a "list of the stored secondary program data," Applicants submit that claim 30 is allowable for this additional reason.

Claim 31 additionally recites, "wherein the secondary programming data is a trailer for the primary programming data," as is thus allowable for the same additional reasons discussed above in reference to claims 32 and 33.

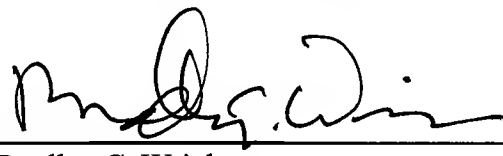
### **Conclusion**

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By:   
Bradley C. Wright  
Registration No. 38,061

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3160  
Fax: (202) 824-3001